

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AFSHIN BAHRAMPOUR,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

2:13-cv-02096-JCM-CWH

**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an inmate. Plaintiff has submitted a complaint and seeks leave to proceed *in forma pauperis*. (ECF No. 1). The *in forma pauperis* application, however, was not submitted on the court-approved form as required by Local Rule LSR 1-1. In addition to filing an application to proceed *in forma pauperis* on the court-approved form, a prisoner seeking to proceed *in forma pauperis* “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(1), (2); Local Rule LSR 1-2. Plaintiff has failed to submit an *in forma pauperis* application on the court-approved form and has failed to provide the necessary financial information.

Additionally, the operative pleading submitted in this case is ambiguous, as it is entitled

1 “federal habeas corpus appeal & civil rights complaint per 42 U.S.C. § 1983.” (ECF No. 1-1).  
2 Plaintiff did not submit his pleading on a court-approved form. Although plaintiff appears to  
3 challenge a criminal conviction in his pleading, it is unclear whether plaintiff seeks to file a federal  
4 habeas corpus action pursuant to 28 U.S.C. § 2254, or whether he seeks to file a civil rights action  
5 pursuant to 42 U.S.C. § 1983. When filing either a civil rights complaint or a federal habeas  
6 petition, *pro se* litigants are required to use court-approved forms. Local Rule LSR 1-4. Finally,  
7 plaintiff is informed that, to the extent he wishes to pursue both a civil rights complaint and a federal  
8 habeas petition, he must initiate those proceedings in separate actions.

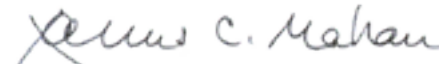
9 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice to the  
10 filing of a new complaint or petition in a new action, with a proper *in forma pauperis* application and  
11 financial attachments, in compliance with 28 U.S.C. § 1915(a).

12 **IT FURTHER IS ORDERED** that the clerk of the court shall send plaintiff the following:  
13 (1) two copies of an *in forma pauperis* application form for a prisoner and instructions for same; (2)  
14 two copies of a blank 42 U.S.C. § 1983 prisoner civil rights form and instructions for the same; (3)  
15 two copies of a blank 28 U.S.C. § 2254 habeas petition and instructions for the same; (4) one copy of  
16 the papers submitted by plaintiff at ECF No. 1 & 1-1.

17 **IT IS FURTHER ORDERED** that plaintiff may file a new complaint or petition, and new  
18 *in forma pauperis* application in a new action, but he may not file further documents in this action.

19 **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.

20 Dated this 18th day of November, 2013.

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23 UNITED STATES DISTRICT JUDGE  
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